FOR MYSORE STATE

HOME (195 3) Department.

MS SERIES.

G.O. NO. 401

Dated 5--2--1953

[Despatch Abstract.]

Kazi- Basroor village, No.496- South Kanara district- Sri Mohammed Saheb- Appointed-

Revenue Department.
Subject.

RELIGIOUS INSTITUTION - (South Kanara) - Coondapur Taluk - Basreer village, No. 496 - Jumma Masjid Kadir Sahib - Proposal - Submitted.

Station: Madras. B.P. Mis. No. 82 dated 20-1-1953.

From

Sri. W.R.S. Sattianathan, I.C.S., Commissioner of Land Revenue.
Sri. C.S. Krishnamurthi, I.A.S., Joint Secretary.

Read:- From the Collector of South Kanara Ref.C.No.A5. 23359/52 dated 24-9-52.
Government Home Department Memo.No.217992 C&S.III/52-1 dated 22-12-52.

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p3 infra
p7/(S)

Resolution.

ACCURACY TO GOVERNMENT
22 JAN 1953

Submitted to the Government.

2. As Sri. Mohammed Sahib the son of the deceased Kazi, ~~xx~~ commands the confidence of the Majority of the Muslims of that division of Basreer village, to which a kazhi has to be appointed, the Board recommends that he may be appointed kazi for the place under section 2 of Act XII of 1880.

D Dhanu Singh
for Joint Secretary. 20/1/53

To

The Secretary to Government,
Home Department, Madras with records of enquiry.

Copy to the Collector of South Kanara.

(A) 1448/53

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Copy of the letter Ref. C. No. A5. 23359/52 dated 24-9-52 from the Collector of South Kanara to the Secretary to the Board of Revenue.

Sub:- Religious Institution - (South Kanara) - Coondapur Taluk - Basreer village - No. 496 Jumma Masjid Kadir Saheb - Proposals - Submitted.

The G.O. No. 1278, Judicial dated, 17-5-1916 Janab Kadir Saheb son of Ala Ulla Saheb of Basreer village in Coondapur taluk was appointed as Kazi for the localities of Basreer Magane Kathikudur village in Japthi Magne of the same taluk in place of his deceased father. Consequent on the death of Janab Kadir Saheb on 28-7-1951. the Kazi's post has fallen vacant.

2. This kazi is attached to the institution No. 496 Jumma Masjid of Basreer village. The Jamath of this mosque consists of members belonging to "Shafi" and Hanfi" sects. The members of the "Shafi" sects have proposed one Janab Mohammed Saheb son of the deceased kaji to the above vacant post while the members of the Hanfi' sect had selected one Mowlvi Mohammed Meilar Saheb of Vederahabli village in his place. In view of the keen contest for this post from post from either party, the Tahsildar Coondapur after giving due notice to the jamathdar's called for a meeting at Basreer on 15-6-52. In this meeting the assembled persons selected three candidates viz. (i) Janab Muhammed Saheb son of the deceased kazi. (ii) Janab Muhammed Meera Saheb, brother of the deceased kazi and (iii) Janab Muhammed Meilar Saheb son of Abdul Kadir Saheb of Vederbebli village. The Tahsildar therfore made a request to the members assumbled to vote for the candiate desired by them by show of hand. Out of 161 muslims as embled at the meeting 110 persons voted in favour of the fist candidate while 48 persons expressed their willinges to select either candidate No. (ii) or (iii). As this selection did not meet with approval of the 'Hanfi' sect members they filed a petition before the Revenue Divisional Officer, Coondapur alleging that the selection was not made impartially by the Tahsildar.

3. Enquiry shows that the cau se for the faction among the members of the Jamath arose on account of a certain right exercised by Janab Mahammed Saheb in the burial ground attached to the Jumma Mosque. It is situated in S. No. 86/9B of Basreer village which stand registered in the joint names of late kazi kadir Saheb and Mulla Sheik Hassan Saheb. Now it is in the enjoyment of their successors. Both the registered holders being the supporters of 'Shafi' sect a petition under Section 147 Cr.P.C. was filed by the members of the other party before the Sub Divisional Magistrate Coondapur alleging that discrimination is being done by the 'Kazi' and others in allotting places for burial of the dead bodies of Hanfi sect people in this ground. They also claimed equal right for their people over the burial ground. The Sub Divisional Magistrate after hearing both the parties has held that the burial ground in question is a public place of burial for muslim community attached to the Jumma mosque that the members of the Jamat have a right to use it as such and have directed the opposite party under Section 147(2) Cr.P.C. not to interfere with the exeise of such right until a competent civil court direct otherwise.

4. In view of the above dissentions and also on account of the petition received by the Revenue Divisional Officer in connection with the appointment of a suitable person for the kazis post, he called for a meeting of the Jamathdrars at Basreer on 26-8-52. At this meeting the third candidate Janab Muhammed Meilar Saheb was absent and he was not proposed by any one as he is residing in a village outside the jurisdiction of this Jamath. This time 109 persons voted for Janab Mohammed Saheb son of the deceased Kazi while only 41 voted for Janab Syed Mohammed Meera Saheb. This clearly indicates that the first candidate commands the confidence of the majority. He is a young man of 26 years old and has a fair knowledge of the scriptures to discharge the duties of kazi. Enquiry also shows that he had acted as 'Naib Kazi' for the past three years. The second candiate is aged about 52 years. He is employed as a teacher in the Board Hindustani School at Kandlur.

5. Under these circumstances, I recommend Janab Mohammed Saheb son of late kazi Kadir Saheb of Basreer village to the post of kazi for the localities mentioned in para one above under section 2 of Act XII of 1880.

p.t.o.

(CNo 14466 Ch III/53)

Home Department

G.O. Ms. No. 401 dated 5.2.53

Kazi - Basroor village, No. 496 - South Kanara District - ~~Janab~~ Mohammed Saheb - Appointed.

Read:

(V) G.O. No. 1278, Judicial, dated 17-5-1916
From the Board of Revenue, B.P.Mis.No.82, dated 20-1-53.

ORDER

The Govt. of Madras accept the recommendation of the Collector of South Kanara and direct the publication of the following notification in the Fort St. George Gazette:

NOTIFICATION

Under the provisions of sec. 2 of the Kazi's Act, 1880 (Central Act XII of 1880), the Governor of Madras appoints Sri Mohammed Saheb to be Kazi for the localities of Basroor Magane, Kathikudur village in

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Japthi Magane and Halyangadi village in Harnad Magane of ~~the~~ Coondapur taluk in the district of South Kanara..

dd/2.2.1953

31/1/53.

[Published as Notfn. No. 162 - at p 228 of Part I of the F.S.G. Gazette d 18.2.53]

To the Collector of South Kanara (with flag A)
To the S.G.P. for pubn. of the notfn. in the F.S.G.G.

Copy for s.f.

N/Pr 162 - Part I - p 228 of d 18.2.53

(GNO 1[illegible]66 Cts III/53)

Home (Cts.III) Dept.

Kazi - Coondapur taluk - South Kanara district - Appointment of.

From the Board of Revenue B.P. Mis. No. 82, dated 20-1-53.

In G.O. No. 1278, Judicial, dated 17-5-1916 Sri Kadir Sahib was appointed as the Kazi for the localities of Basroor Magane, Kathikudur village in Japthi Magane and Halhyangadi village in Harnad Magane. in ~~the~~ Coondapur taluk of S. Kanara Dt. It is reported by the Collr. of South Kanara that Sri Kadir Sahib died on 28-2-51 Consequently the post of Kazi for that locality fell vacant. In his letter to the Board of Revenue at p.3 c.f. the Collctor of South Kanara has submitted proposal for the appointment of a successor to ~~Janab~~ Sri Kadir Sahib.

2. The contestants for the post are:

(1) Sri Mohamed Saheb son of the deceased Kazi.

(2) Syed Mohammed Meera Sahib brother of the deceased Kazi and

(3) Sri Muhammad Moilar Saheb of Vodarbbi village

In view of the dissensions among the Muslims referred to at para 3 on p. 3 c.f. and on account of the petition received by the Revenue Divisional Officer in connection with the appointment of a suitable person for the Kazi's post, the R.D.O ~~Collector~~ called for a meeting of the Jamathdars at Basroor on 26-8-52. The Collector has stated that at this meeting 109 persons voted for Sri Mohammed Saheb son of the deceased Kazi while only 41 voted for Sri Syed Mohammed Meera Sahib and the third candidate was absent. He has further added that Sri Mohamed Sahib is a young man aged 26 years, has a fair knowledge of the scriptures to discharge the duties of a Kazi and commands the confidence of the majority. It is also reported that he acted as 'Naib Kazi' for the past three years. The second candidate namely Sri Syed Mohamad Meera Saheb is reported to be aged 52 years and he is employed as a teacher in

Board Hindustani School at Kandlur. The third candidate namely Sri Mohamad Moilar Saheb did not attend the meeting convened for choosing the Kazi and his name was also not proposed. Please also see paras 2 and 3 of the Collector's letter at p. 3 c.f.

3. Under sec. 2 of the Kazi's Act 1880, the appointment of a Kazi which is entirely left to the discretion of the Govt. depends on the wishes of any considerable number of Muslim residents in the area.

4. In the circumstances stated at A (above), the Collector of South Kanara recommends Janab Mohammed Saheb son of the late Kazi to the post of Kazi for the Basroor village in the Coondapur taluk. The Board supports the recommendation of the Collector. The recommendation of the Collector may be accepted.

5. The draft order submitted below is for approval.

M 2.2.1953

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3.2.53

M (Law) K.P. Krishnan 4-2-53

SECRETARY TO GOVERNMENT 4-FEB 1953 HOME DEPARTMENT

[Issued as G.O.Ms.No 401, Home, dt 5.2.53]